

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

MAKUEEYAPEE D. WHITFORD,

Plaintiff,

vs.

BRIAN GOOTKIN, Director of the  
Department of Corrections, and JIM  
SALMONSEN, Montana State Prison  
Warden,<sup>1</sup>

Defendants.

CV 22-70-H-SEH

ORDER

On October 31, 2023, Defendant Jim Salmonsens (Salmonsens) moved to dismiss Plaintiff Makueeyapee D. Whitford's (Whitford) August 8, 2022, complaint.<sup>2</sup> On November 10, 2023, Whitford moved to file an amended complaint.<sup>3</sup> On December 14, 2023, the Court granted the motion.<sup>4</sup> An amended complaint was filed on January 9, 2023.<sup>5</sup>

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<sup>1</sup> On January 9, 2023, Whitford filed an amended complaint naming Brian Gootkin and Jim Salmonsens as defendants. The case caption has been amended to reflect this change. *See* Fed. R. Civ. P. 17.

<sup>2</sup> Doc. 12.

<sup>3</sup> Doc. 16.


<sup>4</sup> Doc. 20.

<sup>5</sup> Doc. 21.

**ORDERED:**

1. Salmonsens's Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)<sup>6</sup>  
is **DENIED AS MOOT**.

DATED this 30th day of January, 2023.

  
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SAM E. HADDON  
United States District Judge

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<sup>6</sup> Doc. 12.